

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEAN ENERGY CHOICE COALITION, NFP)	
)	
Plaintiff,)	
)	Case No. 1:25-cv-04353
v.)	Hon. Franklin U. Valderrama
)	
VILLAGE OF OAK PARK, ILLINOIS,)	
)	
Defendant.)	

JOINT INITIAL STATUS REPORT UNDER RULE 26(f)

The Parties have conferred as required by Rule 26(f), and jointly submit the following discovery plan. *See* Fed. R. Civ. P. 26(f)(2); Fed. R. Civ. P. 26(f)(3); Fed. R. Civ. P. 16(b). The Parties understand that the Court will enter a scheduling order under Rule 16(b)(1), and that the Court will modify any such schedule “only for good cause.” *See* Fed. R. Civ. P. 16(b)(4).

I. Nature of the Case

A. Attorneys of Record

Counsel for Plaintiff:

Christine E. Skoczylas (Lead Trial Attorney)
Alexander J. Bandza
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
(312) 537-1313
christine.skoczylas@btlaw.com
abandza@btlaw.com

Kian James Hudson
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 229-3111
kian.hudson@btlaw.com

Counsel for Defendant:

Gavin Michael Kearney (Lead Trial
Attorney)
EARTHJUSTICE
311 South Wacker Drive, Suite 1400
Chicago, IL 60606
(773) 828-0816
gkearney@earthjustice.org

Tony Salvatore Fioretti
VILLAGE OF OAK PARK
Law Department
123 Madison Street
Oak Park, IL 60302
(708) 358-5666
tony.fioretti@oak-park.us

Gregory T. Smith
ELROD FRIEDMAN LLP
350 North Clark Street
Second Floor
Chicago, IL 60654
(312) 528-5201
Gregory.Smith@ElrodFriedman.com

B. Basis for Jurisdiction

This Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

C. Overview of the Case

In June 2023, Oak Park enacted an ordinance that, among other things, requires most “new” buildings to have energy sources that are not “fossil fuels,” effectively banning the use of natural gas for new construction. Plaintiff asserts that the ordinance is invalid and unenforceable because the federal Energy Policy and Conservation Act (“EPCA”), 42 U.S.C. §§ 6201 *et seq.*, expressly preempts Oak Park’s ban on the use of natural gas for covered products. Plaintiff therefore seeks to enjoin the ordinance, with limited exceptions. Defendant denies that EPCA’s preemption clause applies to ordinances restricting the use of gas or other fuels, and therefore denies that its ordinance is invalid and unenforceable and denies that Plaintiff is entitled to any relief.

D. Claims Asserted in Complaint

Plaintiff brings a cause of action for declaratory and injunctive relief against the Village of Oak Park. Defendant has not pled any affirmative defenses and has not filed a counterclaim.

E. Principal Factual Issues

The Parties agree that no factual issues prevent the resolution of the legal question in this case.

F. Principal Legal Issues

The principal legal issue is whether the challenged portions of the ordinance are expressly pre-empted by EPCA.

G. Relief Sought by Plaintiff

Plaintiff seeks a declaration that the ordinance is preempted by 42 U.S.C. § 6297(c) and the entry of a permanent injunction enjoining Defendant from enforcing the ordinance.

H. Service on Defendant

Defendant has been served.

II. Discovery

A. Discovery Schedule

The Parties agree that this case presents a purely legal question which can be resolved without fact or expert discovery. The Parties therefore propose the following dispositive motion briefing schedule:

- **August 27, 2025:** Deadline for Plaintiff's Motion for Summary Judgment
- **September 24, 2025:** Deadline for Defendant's Opposition and Cross-Motion for Summary Judgment
- **October 22, 2025:** Deadline for Plaintiff's Reply in Support its Motion for Summary Judgment and Opposition to Defendant's Cross-Motion for Summary Judgment
- **November 19, 2025:** Deadline for Defendant's Reply in Support of its Cross-Motion for Summary Judgment

B. Depositions

The parties do not anticipate taking any depositions in this matter.

C. Special Discovery Issues

The Parties do not anticipate any special discovery issues.

D. Discovery Plan

The Parties discussed a discovery plan, and no plan is necessary because the legal question presented in this case can be resolved without fact or expert discovery.

III. Trial

A. Jury Trial

Neither Party has demanded a jury trial.

B. Estimate of Trial Length

The Parties anticipate that the Court's ruling on the Parties' respective summary judgment motions will resolve the case and that judgment will be entered without the need for a trial.

IV. Settlement, Referrals, and Consent

A. Settlement Discussions

The Parties have not engaged in settlement discussions.

B. Settlement Conference

The Parties do not request a settlement conference at this time.

C. Magistrate Judge

The Parties do not unanimously consent to this case proceeding before the assigned Magistrate Judge for all purposes.

V. Other

The Parties have no other issues to raise to the Court at this time.

Dated: July 7, 2025

Respectfully submitted,

**CLEAN ENERGY CHOICE
COALITION, NFP**

By: /s/ Christine E. Skoczylas

Christine E. Skoczylas (#6293811)
Alexander J. Bandza (#6312301)
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, IL 60606
(312) 537-1313
christine.skoczylas@btlaw.com
abandza@btlaw.com

Kian James Hudson
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 229-3111
kian.hudson@btlaw.com

Attorneys for Plaintiff

**VILLAGE OF OAK PARK,
ILLINOIS**

By: /s/ Gavin Michael Kearney

Gavin Michael Kearney
EARTHJUSTICE
311 South Wacker Drive, Suite 1400
Chicago, IL 60606
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gkearney@earthjustice.org

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Tony Salvatore Fioretti
VILLAGE OF OAK PARK
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tony.fioretti@oak-park.us

Attorneys for Defendant